

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Michael Allen Shepersky,

Civil No. 09-2049(PJS/SRN)

Petitioner,

v.

ORDER

Timothy Wengler, Warden,

Defendant.

Michael Allen Shepersky, Minnesota Correctional Facility, 1101 Linden Lane, Faribault,
Minnesota 55021, Pro Se.

Russell Conrow, Lake County Attorney, Lake County Attorney's Office, 601 3rd Ave., Two
Harbors, Minnesota 55616, for Defendant

The above-entitled matter comes before the Court upon the Report and Recommendation
of United States Magistrate Judge Susan Richard Nelson. No objections have been filed to that
Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, and all of the files,
records and proceedings herein, **IT IS HEREBY ORDERED that** Defendant's Motion to
Dismiss (Doc. No. 4) is **DENIED**.

Dated: January 28, 2010

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge